

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**MICHAEL R. DUNHAM and
DONNA J. DUNHAM,**

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

CIVIL ACTION FILE

NO. 1:16-CV-00887-LMM

**WITHDRAWAL OF EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER**

Plaintiffs, by and through their undersigned attorney of record, file this **Withdrawal of Emergency Motion for Temporary Restraining Order**, showing the Court as follows:

- 1.** On February 19, 2016, Plaintiffs filed an Emergency Motion for Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction ("Emergency Motion") in the Superior Court of Cobb County, Georgia ("Cobb"), along with a Summons and Complaint seeking additional substantive relief. [*Docket No. 4.*]
- 2.** On February 23, 2016, the Cobb Court entered an order partially transferring the case to the Superior Court of Gwinnett County, Georgia ("Gwinnett") for the purpose of disposing of said Emergency Motion, but retaining jurisdiction over the remainder of the case in Cobb.
- 3.** On March 18, 2016, Defendant filed companion Notices of Removal transferring the Gwinnett and Cobb cases to this Court, as case nos. 1:16-CV-00887-LMM and 1:16-CV-00888-LMM, respectively, before the Gwinnett Court had an opportunity to enter an order with respect to the Emergency Motion, which remains pending.
- 4.** The Emergency Motion is presently scheduled to be heard before this Court on April 14, 2016, and the Court has ordered an expediting briefing schedule with respect to the same.

5. The subject matter of both cases, which arose from a single case filed in Cobb, concerns an attempted foreclosure of improved real property situated in Cobb County, Georgia. Counsel have conferred and informally agreed the property is not being re-listed for a foreclosure sale, and if Defendant decides to re-list the property, Defendant's counsel advises he will promptly notify the undersigned.
6. Based on counsel's informal agreement, Plaintiffs hereby **WITHDRAW** the Emergency Motion, to the extent emergency relief is requested, **WITHOUT PREJUDICE** to filing a renewed motion for emergency relief should the same become necessary. Plaintiffs' request for permanent injunctive relief remains pending, but counsel shows that request does not require emergency relief at this time.
7. Based on the foregoing, the undersigned respectfully requests this case will be removed from the April 14, 2016, calendar, and the parties and their attorneys will be excused from appearing for the same.

Respectfully submitted this 28th day of March, 2016.

COHAN LAW GROUP, LLC

/s/ Michael R. Dunham

Michael R. Dunham

Georgia Bar No. 233885

Attorneys for Defendants

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CERTIFICATE OF SERVICE

The undersigned hereby certifies a true, accurate, and complete copy of the foregoing **Withdrawal of Emergency Motion for Temporary Restraining Order** is served this day upon the following persons electronically via the Court's CM/ECF system:

Sean A. Gordon, Esq.
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Respectfully submitted this 28th day of March, 2015.

COHAN LAW GROUP, LLC

/s/ Michael R. Dunham

Michael R. Dunham

Georgia Bar No. 233885
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Certificate of Service